

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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ELIZABETH J. STEVENS  
1223 S. 9<sup>th</sup> Street  
Watertown, WI 53094,

Plaintiff,

WEST BEND MUTUAL INSURANCE COMPANY  
c/o Christopher Zwygart  
1900 S. 18<sup>th</sup> Avenue  
West Bend, WI 53095,

Case No.: 20-123

Subrogated Plaintiff.

v.

UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT  
c/o U.S. Attorney's Office  
Western District of Wisconsin  
222 West Washington Ave., Suite 700  
Madison, WI 53703,

JACOB R. ANDRESKA  
119 Johnson Street  
Stoughton, WI 53589-1521

Defendants.

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**COMPLAINT**

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NOW COMES the plaintiff, Elizabeth J. Stevens, by her attorneys, Sperling Law Offices LLC, Michael C. Demo, and as and for plaintiff's complaint against the above-named defendants, hereby shows to the Court as follows:

**I. THE PARTIES**

1. That the plaintiff, Elizabeth J. Stevens, is an adult individual and resident of Jefferson County, and whose current address is 1223 S. 9<sup>th</sup> Street, Watertown, Wisconsin 53094.

2. That subrogated plaintiff, WEST BEND MUTUAL INSURANCE COMPANY (hereinafter, “West Bend”), is a domestic insurance company with its registered agent located at the above-listed address, and which provided automobile insurance coverage to Elizabeth J. Stevens on the date of the auto collision at issue herein, and may have provided certain medical benefits to the plaintiff, Elizabeth J. Stevens, as a result of the injuries described below. That the plaintiff alleges doubt as to whether or not said subrogated party is truly subrogated or interested in this action, but that said party is a subrogated plaintiff for the purpose of complying with the provisions of Sec. 803.03 Wis. Stats.

2. That the defendant, The UNITED STATES OFFICE OF PERSONNEL MANAGMENT (hereinafter “OPM”), is an office of the United States Federal Government located at 1900 E. Street, NW, Washington, DC 20415, and, upon information and belief, the defendant, Jacob R. Andreska, was in his employ with OPM in the National Background Investigations Bureau at the time of the collision in a vehicle that was also owned by the United States Federal Government, and that by reason of said employment and ownership of the vehicle involved in the collision herein caused by the alleged negligence of Jacob R. Andreska while driving said vehicle, and the provisions of 28 U.S.C. §§ 1346(b), 2671-2680, the defendant, OPM, is a proper party defendant herein.

3. That upon information and belief, JACOB R. ANDRESKA, that at all times herein relevant is an adult individual residing at 119 Johnson Street, in the City of Stoughton, County of Dane, and State of Wisconsin, and was a driver of the United States Government owned vehicle involved in the automobile collision at issue in this case, and was employed by the OPM.

**FACTS**

4. Plaintiff restates and incorporates paragraphs 1-3 as though set forth fully herein, and further states as follows;

5. That on or about May 25, 2017, at approximately 3:26 p.m., on westbound interstate Highway 94, in the Town of Medina, Dane County and State of Wisconsin, the Defendant, Jacob R. Andreska, was driving a 2013 Chevrolet Equinox owned by the United States Federal Government, while in his employ with the OPM in the National Background Investigations Bureau.

6. That the car Mr. Andreska was driving was directly behind Elizabeth J. Stevens' vehicle, a 2013 Nissan Altima, on Interstate Highway 94.

7. That Ms. Stevens' car slowed down due to traffic congestion on the highway in front of her; however, Mr. Andreska did not notice traffic had slowed ahead of him and he drove the 2013 Chevrolet Equinox directly into the rear end of Ms. Stevens' car.

8. That the rear end collision caused Ms. Stevens' personal injuries and other damages.

9. That Elizabeth J. Stevens, by and through her attorneys, filed a claim with the OPM which responded with a final denial of Ms. Stevens' claim pursuant to 5 C.F.R. § 177.109 on October 8, 2019.

10. That this claim is brought within six (6) months of the denial by the OPM, and within three years of the date of the auto collision at issue in this case.

**COUNT I: NEGLIGENCE OF JACOB R. ANDRESKA**

11. Plaintiff restates and incorporates paragraphs 1-10 as though set forth fully herein, and further states as follows:

12. That the Defendant, Jacob R. Andreska, was negligent in the following respects:
  - a. Failing to properly manage and control his vehicle,
  - b. Failing to maintain a proper lookout,
  - c. Inattentive Driving, and,
  - d. Failing to yield the right of way, among other negligent acts and omissions.

13. That as a direct and proximate result of the rear end automobile collision and Jacob R. Andreska's negligence, the Plaintiff, Elizabeth J. Stevens, sustained multiple injuries, suffered great pain of body and mind, incurred medical and hospital expenses, and lost wages; that the Plaintiff's injuries may be permanent in nature, thereby causing the Plaintiff to suffer pain and disability in the future, incur medical and hospital expenses in the future, all to her damage in an undisclosed amount pursuant to Wisconsin Statutes.

WHEREFORE, the Plaintiff, Elizabeth J. Stevens, hereby demands judgment against the Defendants as follows:

- A. Compensatory and other damages in an amount to be determined by the trier of fact;
- B. All of the costs, disbursements, and attorney's fees of this action; and
- C. Any other relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY A JURY OF TWELVE (12) PERSONS

Dated this 11th day of February, 2020.

SPERLING LAW OFFICES LLC  
Attorneys for Plaintiff

Electronically signed by Michael C. Demo  
Michael C. Demo  
State Bar ID #1059096  
[MDemo@MilwaukeeLawFirm.com](mailto:MDemo@MilwaukeeLawFirm.com)

P.O. Address:  
100 E. Wisconsin Avenue, Suite 1020  
Milwaukee, WI 53202

Tel: (414) 273-7100  
Fax: (414) 276-9022